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15 SCHMITZ, EDWARD A WILSON, BART P MACKAY, and
16 LARRY RASKIN

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18 **UNITED STATES DISTRICT COURT**
19
20 **DISTRICT OF NEVADA**

21 DAVID FRANCIS, derivatively on behalf of CV
22 SCIENCES, Inc. formerly known as,
23 CANNAVEST CORP.,

24 Plaintiff,
25
26 v.
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28 MICHAEL MONA JR., MICHAEL MONA III,
19 JOSEPH D. DOWLING, BART P. MACKAY,
18 LARRY RASKIN, JAMES MCNULTY, GARY
17 SLIGAR, STEPHEN M. SCHMITZ and
16 EDWARD A. WILSON,

15 Defendants,
14
13 and

12 CV SCIENCES, INC., formerly known as,
11 CANNAVEST CORP.,

10 Nominal Defendant.

9 Case No. 2:18-cv-02284-GMN-NJK
8 Judge: Hon. Gloria M. Navarro

7 **STIPULATION OF DISMISSAL**
6 **WITH PREJUDICE**

5 Complaint Filed: November 30, 2018
4 Trial Date: Not Set

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1 Plaintiff David Francis (“Plaintiff”) and Defendants CV Sciences, Inc. formerly known as
 2 CannaVEST Corp. (“CV Sciences” or the “Company”), Michael Mona, Jr., Michael Mona, III,
 3 Joseph D. Dowling, Bart P. Mackay, Larry Raskin, James McNulty, Gary Sligar, Stephen M.
 4 Schmitz, and Edward A. Wilson (collectively, “Defendants”) hereby jointly submit this Stipulation
 5 of Dismissal with Prejudice as follows:

6 WHEREAS, on or about August 24, 2018, a class action lawsuit was filed in the United States
 7 District Court for the District of Nevada against the Company, Dowling, Mona, Jr., and Mona, III,
 8 concerning alleged wrongdoing related to the Company’s pursuit of a patent application with the
 9 United States Patent and Trademark Office (“USPTO”) for its product CVSI-007, styled as *In*
 10 *re CV Sciences, Inc. Securities Litigation*, No. 2:18-cv-01602-JAD-BNW (the “Securities
 11 Class Action”);

12 WHEREAS, on October 10, 2018, plaintiff Girard Depoti initiated a shareholder derivative
 13 action *Depoti v. Dowling et al.*, Case No. A-18-782513-C in Clark County District Court in the State
 14 of Nevada (the “Depoti” Action”) concerning the same or substantially similar facts to those in the
 15 Securities Class Action;

16 WHEREAS, five additional shareholder derivative actions were filed after the Depoti Action
 17 concerning the same or similar facts in state and federal courts in Nevada and California, specifically:
 18 (1) *Radcliffe v. Dowling*, et al., Case No. A-19-794377-B (Nev. Dist. Ct.-Clark Cty.) (the “Radcliffe
 19 Action”); (2) *Tarangelo v. Mona, Jr., et al.*, Case No. A-19-789153-B (Nev. Dist. Ct.-Clark Cty.)
 20 (the “Tarangelo Action”); (3) *Francis v. Mona, Jr., et al.*, Case No. 2:18-cv-02284-GMN-NJK (D.
 21 Nev.) (the “Francis Action”); (4) *Berry v. Dowling, et al.*, Case No. 3:20-CV-01072-AJB-DEB (S.D.
 22 Cal.); (the “Berry Action”); and (5) *Menna v. Dowling, et al.*, Case No. 37-2021-00019613-CU-SL-
 23 CTL (San Diego Sup. Ct.) (the “Menna Action”) (collectively with the Depoti Action the “Derivative
 24 Actions”);

25 WHEREAS, the parties reached a settlement of the Securities Class Action in late 2021, and
 26 such settlement was submitted to the District of Nevada and finally approved by Judge Jennifer A.
 27 Dorsey on July 22, 2022;

1 WHEREAS, the parties in the Derivative Actions recently reached a global agreement for the
 2 settlement of all six of the Derivative Actions, and on July 28, 2022, executed a Stipulation and
 3 Agreement of Settlement (the “Settlement Agreement”);

4 WHEREAS, the Settlement Agreement constitutes the agreement of all parties in the six
 5 Derivative Actions to finally settle each of the six Derivative Actions, subject to any and all necessary
 6 court approval, and was executed in good faith by all parties following extensive negotiations;

7 WHEREAS, the parties in the six Derivative Actions, by executing the Settlement
 8 Agreement, consented to submission of the Settlement Agreement to the Depoti court;

9 WHEREAS, the Depoti court was the appropriate court to consider the Settlement Agreement
 10 because the Depoti Action was the first-filed of the six Derivative Actions, the Derivative Actions
 11 concern the same or substantially similar facts, and all parties in the six Derivative Actions stipulated
 12 to submission of the Settlement Agreement to the Depoti court;

13 WHEREAS, the Settlement Agreement states that “[w]ithin five (5) business days of the
 14 entry of the Final Order & Judgment by the [Depoti] Court, Plaintiffs will submit notices of voluntary
 15 dismissal in each of the other Derivative Actions;”

16 WHEREAS, the parties contemplated that if the court in the Depoti Action finally approved
 17 the Settlement, Plaintiff in this action (and plaintiffs in each of the other Derivative Actions) would
 18 then seek court approval and permission to voluntarily dismiss this action (and each of the other
 19 Derivative Actions) as contemplated by the terms of the Settlement Agreement;

20 WHEREAS, on November 15, 2022, the Depoti court, after ordering notice be provided to
 21 the Company’s shareholders and notice being provided in accordance therewith, and having received
 22 no objections from any shareholder, entered its Order and Final Judgment approving the settlement
 23 of the Depoti Action, a true copy of which is attached hereto as Exhibit A, dismissing with prejudice
 24 all claims arising out of the same facts and circumstances alleged in this action;

25 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Plaintiff and
 26 Defendants, through their undersigned counsel of record and subject to the approval of the Court, as
 27 follows:

28 1. In light of the Settlement and Order and Final Judgement in the Depoti Action, and

1 pursuant to the terms of the Settlement Agreement, Plaintiff hereby dismisses this action, with
2 prejudice, with each side to bear its own costs.

3 **IT IS SO STIPULATED.**

4 Dated this 17th day of November, 2022.

5 **LEVERTY & ASSOCIATES LAW CHTD.**

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8 */s/ Patrick R. Leverty*

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30 FRANCIS

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ORDER

PURSUANT TO THE PARTIES' STIPULATION, IT IS HEREBY ORDERED THAT:

1. Pursuant to the terms of the Settlement Agreement, Plaintiff hereby dismisses this action, with prejudice, with each side to bear its own costs.

IT IS SO ORDERED. The Clerk of Court shall close the case.

Dated this 18 day of November, 2022

Gloria M. Navarro, District Judge
UNITED STATES DISTRICT COURT